

## **REMARKS**

This amendment is submitted in response to the office action of February 15<sup>th</sup>, 2006. Reconsideration of the application as amended herein is respectfully requested. Applicant avers that the amendment is responsive to all grounds for objection and rejection raised in the office action and that no new matter has been added to the application as part of this amendment.

### **The Office Action**

In the office action, the Examiner has considered all of the art cited by the Applicant or in the alternative the U.S. equivalent of foreign patents or patent applications submitted by the Applicant. The Examiner also indicated that the drawings were acceptable. Applicant thanks the Examiner for considering all of such art or its equivalent and for indicating that the drawings are acceptable.

In the office action the Examiner objected to the title of the invention pursuant to 37 CFR 1.72(a) stating that preferably the title of the invention should be brief but technically accurate and descriptive, preferably from two to seven words .... The Examiner also objected the specification under 37 CFR 1.77(b) and requested that the Applicant incorporate into the application a section titled "BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S) and the appropriate description ...." Applicant has amended the specification of the application accordingly and requests that the Examiner withdraw the above grounds for objection in view of the above amendments to the specification.

The Examiner objected to claims 1-52 and 54 under 37 CFR 1.75(i). Applicant has amended the pending claims in the application in a manner responsive to this ground for objection, as such withdrawal of the grounds for objection is respectfully requested. The Examiner also objected to claims 35, 48, 50, and 54 pursuant to 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant has amended or canceled each one of the claims, such that the ground for rejection is now moot. Therefore, withdrawal of this ground for objection is respectfully requested.

The Examiner rejected claims 35-47 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter

which the applicant regards as the invention. The Examiner explicitly noted that claim 35 failed to set forth the meaning of  $R_4$  and that claim 36 failed to set forth the meaning of  $R_2$  and  $R_3$ .

Applicants have amended the claims in manner responsive to this ground for rejection. Specifically, claim 35 was cancelled from the application and the claim 36 was amended to include the meaning of both  $R_2$  and  $R_3$ . Applicant specifically requests that the Examiner withdraw this rejection to claims 35-47.

The Examiner also rejected various claims under 35 U.S.C. §§ 102(b) and 103(a) as follows:

- (1) Claims 1, 2, 4-10, 12-28, and 33 were rejected under 35 U.S.C. § 102(b) as being anticipated by Wahle et al.;
- (2) Claim 34 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Wahle et al.;
- (3) Claims 1, 2, 4-6, 12, 13, 15, 16, 18-28, 33, and 52 were rejected under 35 U.S.C. § 102(b) as being anticipated by Ek;
- (4) Claims 34 and 51 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Ek;
- (5) Claims 1, 2, 4-6, 9, 10, 12, 13, 15, 16, 18-26, 28, and 33, were rejected under 35 U.S.C. § 102(b) as being anticipated by Handa et al.;
- (6) Claims 51 and 52 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Handa et al.; and
- (7) Claims 1, 2, 4-6, 9, 10, 12-28, 33, 34, and 52 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Emmons.

Applicant has amended the independent claims in the application to include the elements of claim 8. Therefore, it is Applicant's position that the claims of the application, as amended herein, include at least one element that is not disclosed in any of the art cited in rejections (2)-(7) above and the art does not include any suggestion to modify the teachings of the cited art to include the aforementioned element(s). For the aforementioned reasons, Applicant respectfully requests that grounds for rejection (2)-(7) above are withdrawn.

As for the rejection (1) above, Wahle et al describes co-polymers of long chain alkyl acrylates with N-containing olefins, and their use as flow improvers for crude oils. The co-polymers may comprise two monomer units, one being of normal acyclic type in which the terminal pendant group is linear or branched, saturated or unsaturated, aliphatic radical; the other being an acrylate group in which the terminal pendant group is a cyclic imide. There is no further or broader disclosure of any heterocyclic groups. There is no reason to expect, from this disclosure, that the claimed heterocyclic groups in polymeric compounds would lead to fuel additives, in particular to inhibit deposit formation.

The Wahle et al reference does not disclose the use of the claimed compound IV to form the claimed polymeric compound. Therefore, it is Applicant's position that the Wahle et al. reference does not disclose at least the claimed heterocycle compound. Therefore, Applicant's submit that the reference does not disclose each and every element of the amended independent claims and respectfully request that the Examiner withdraw the ground for rejection of the claims in the application.


### CONCLUSION

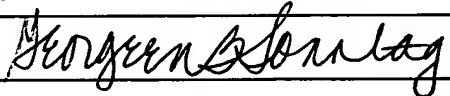
For the reasons detailed above, it is respectfully submitted all claims remaining in the application (Claims 1-3, 9-34, 36-40, 45-52, 54, and 59) are now in condition for allowance.

Respectfully submitted,

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August 10, 2006  
Date

  
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